

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District **9B**. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



Senate Bill 53 will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

Dr. Benjamin Fertig, Ph.D.

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